

REMARKS

This is in response to the Office Action dated December 1, 2004. Also, a Rule 131 declaration is attached hereto evidencing that the cited reference is not prior art. *This amendment should be entered since the only claim changes are the cancellation of non-elected claims.*

The only claim changes herein relate to the cancellation of non-elected claims 73-75. These non-elected claims have been canceled, without prejudice in view of the Restriction Requirement. Thus, no new issues have been raised herein and this filing should be entered.

Claim 43 stands rejected under Section 102(a) as being allegedly unpatentable over WO '540. This Section 102 rejection is respectfully traversed for at least the following reasons.

WO '540 is not prior art. A Rule 131 declaration of inventor H. Wang is attached hereto, and evidences that certain embodiments of this instant invention were reduced to practice prior to the March 29, 2001 publication date of WO '540. It is noted that the nitrogen gas flow (see 35.0 and 35.1 values in Exhibit A to the 131 declaration) in the sputtering zone(s) where the NiCr targets were present illustrates that the central layer was NiCrN_x. The Si targets on either side of the NiCr targets were also sputtered in an atmosphere including nitrogen (e.g., see 71.4, 270.9 and 271.0 nitrogen gas values in Exhibit A to the 131 declaration), thereby evidencing that the coated articles made prior to March 29, 2001 had a stack of glass/SiN/NiCrN_x/SiN.

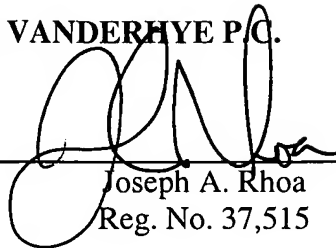
Since WO '540 is not prior art, the rejection should be withdrawn. If any minor matter remains to be resolved, the Examiner is invited to telephone the undersigned with regard to the same.

NEUMAN et al.
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Respectfully submitted,

NIXON & VANDERHYTE P.C.

By: _____



Joseph A. Rhoa
Reg. No. 37,515

JAR:caj
1100 North Glebe Road, 8th Floor
Arlington, VA 22201-4714
Telephone: (703) 816-4000
Facsimile: (703) 816-4100